IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3696 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

WILLIAM S CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

Mr. D.C. Raval for MR MR ANAND for Petitioner.
Mr. L.R. Pujari, AGP for Respondent No. 1
Mr. Devang Vyas for MR KG VAKHARIA for
Respondent No. 2.

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 28/06/2001

ORAL JUDGEMENT

It is stated by Mr. Devang Vyas for Mr. K.G. Vakharia, learned advocate for respondent No.2 that the order reverting this petitioner from the post of Gujarati Typist to Peon was passed on 25.5.1989 but this order of reversion could not be served on the petitioner as the petitioner evaded service of the same, with the result

the order of reversion could not be implemented and the petitioner continued to work as Gujarati Typist as in the meanwhile the interim relief came to be granted by this Court. It is further stated that the petitioner during the pendency of this petition has retired on attaining the age of superannuation in the year 1992 from the post of Gujarati Typist and now there is no question of any relief surviving in this writ petition. Since the order of reversion could not be served on the petitioner and the petitioner having been protected by the interim relief granted by this Court resulting into the petitioner continuing to serve on the post of Gujarati Typist and the petitioner having retired from the post of Gujarati Typist on attaining the age of superannuation pending this petition, no relief claimed in this petition is surviving and the petition therefore is liable to be dismissed as not surviving.

2. The petition is dismissed as not surviving. Rule discharged.

rmr. [N.G. Nandi, J.]

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